

# THE Gun Owners

28 YEARS OF NO COMPROMISE – 1975-2003

## GOA Pushing Bill to Repeal D.C. Gun Ban

By John Velleco

Washington, D.C. -- One of the great tenets of anti-gun doctrine is the hypothesis that greater gun restrictions lead to lower crime rates.

Were this true, our nation's capital would be nothing short of nirvana.

For the past 27 years, residents and visitors of our nation's capitol have been subjected to an experiment in almost complete civilian disarmament.

Has the city's crime rate correspondingly dropped, as this hypothesis would indicate? A recent headline from SafeStreetsDC.com, a coalition of D.C. citizens and police officers, sums up the data:

### DC IS AGAIN 'MURDER CAPITAL', NEW STUDY SHOWS

- District had Highest Big-City Murder Rate in 2002

- DC Murder Rate Soared as Other Cities Saw Decline

In 2001, D.C. was merely the runner-up, following Detroit. In eight of the previous nine years, D.C. had the dubious distinction of being the murder capital of the country.

The overwhelming evidence flies in the face of the stubbornly touted view that gun control equals crime control.

The gun ban is a proven failure and efforts are underway in the Congress to repeal the law.

### GOA working to repeal gun ban

Gun Owners of America is supporting an effort by Sen. Orrin Hatch (R-UT) to allow D.C. residents to possess firearms.

S. 1414, the District of Columbia Personal Protection Act, would allow law-abiding citizens to possess handguns and rifles in their homes and businesses, and would repeal the registration requirements for firearms and ammunition.

## GOA & Pilots Blast TSA



Several pilot organizations held press conferences at airports around the country this August to blast the Transportation Security Administration for dragging its feet and being slow to arm an adequate number of commercial pilots. GOA's John Velleco appears on the far left. (See the related story on page 8.)

As recently as 1999, there have been votes in Congress to repeal the gun ban, but anti-gun forces were able to block such efforts from being enacted.

Indeed, anti-gun extremists are vehemently opposing any attempt to give back to D.C. citizens the Second Amendment rights that were stolen from them by the government.

"The city already has too many guns because people are killing each other," D.C. Mayor Anthony Williams said at a news briefing at city hall.

This absurd stand by the Mayor is forcing honest and decent D.C. residents to remain mandatory victims, keeping the streets safe for violent thugs.

D.C. Police Chief Charles Ramsey, like many critics, blames the city's high murder rate on firearms that come from Virginia and Maryland, the two states surrounding Washington.

According to the *Associated Press*, D.C. Police Chief Charles Ramsey "would like to see stricter handgun restrictions in Virginia and Maryland, where he says most of the handguns are coming from."

The Chief's argument, however, ignores a salient point. If the mere presence of guns leads to an increase in homicides, it follows that Virginia, which has more lenient firearms laws and allows for concealed carry, should have a much higher murder rate.

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### Inside:

- **GOA in the news (page 4)**
- **Supreme Court lets anti-gun verdict stand (page 2)**

# Supreme Court's Action on Semi-Autos Sends Warning to Gun Owners: Be Careful What You Ask For

by *Erich Pratt*

Well, it happened again. Another gun case came before the Supreme Court, and the Supremes stuck it to gun owners . . . one more time.

The case involved two gun manufacturers that were affected by the Clinton-Feinstein ban on semi-automatic firearms.

Navegar and Penn Arms both challenged the law, arguing the federal government had exceeded its constitutional authority to enact such a ban in 1994.

After the companies lost at both the district and appeals court levels, they brought their case to the highest court in the land.

The Supremes, however, rejected their claim in September without comment, letting the lower anti-gun decisions stand.

Don't be surprised now if Senator Dianne Feinstein and company start using this recent action to beat gun owners over the head, disingenuously claiming that the Supreme Court has settled the issue on the semi-auto ban, and that is why the ban should be renewed in September, 2004.

## The good guys don't always win

The Supreme Court is not always right. And they're not necessarily the final word.

But many people have the mistaken notion that if you have the Constitution on your side, you can simply sue the government, take your case all the way to the Supreme Court, and expect that they will see the wisdom of your argument.

Unfortunately, such happy endings don't always occur. While the high court has often been right about the Constitution, at times, it has also been way off the mark:

- Last year, the Court went out of its way to overturn good decisions at both the District Court and Court of Appeals levels, and in doing so, the

Supremes used a very questionable felony conviction from Mexico to deny the gun rights of a U.S. citizen.

- The Supremes also blew a wonderful chance last year to adopt a pro-gun court decision at the District Court level, and instead chose to let the much weaker decision by the appellate court stand. The district court had ruled Dr. Timothy Joe Emerson's Second Amendment rights were violated by a federal law which banned people from possessing firearms, when such persons are under restraining orders. The appellate court, while stating individuals do have a right to keep and bear arms, reversed the district court's verdict and said, in essence, that gun control laws were not inconsistent with the Second Amendment. (Never mind those four important words: "shall not be infringed.")
- More recently, the Court wasted another great opportunity to affirm the Second Amendment and has instead let Clinton's semi-auto ban remain in force, by letting a lower court's anti-gun decision stand.

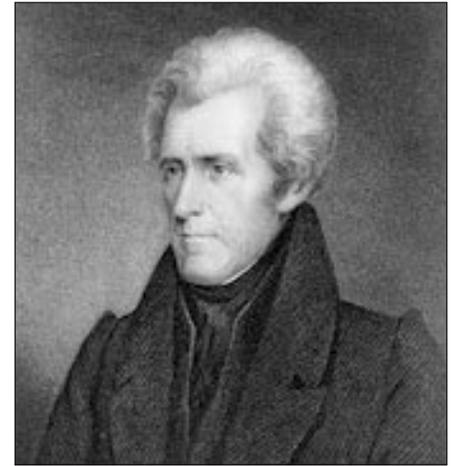
It would be an understatement to say the Court has not always been faithful to the Constitution. Does that mean we should refrain from challenging unconstitutional laws? Of course not. We should definitely challenge bad laws.

But we should also realize that asking the Court to "settle the issue" may not bring the result we were hoping for.

## Winning in the Supreme Court does not necessarily "settle the issue"

Does anyone really think that if we win a Supreme Court case, that the Brady Campaign (formerly known as Handgun Control, Inc.) will actually shrivel up and go away?

Don't bet on it, for that certainly didn't happen in 1995 when gun owners won a huge, landmark case in the



**In 1832, President Andrew Jackson refused to carry out a Supreme Court opinion, simply saying, "[Chief Justice] John Marshall has made his decision, now let him enforce it."**

Supreme Court. Anti-gun Senators simply came right back the next year and passed new legislation that essentially overruled the Court. (More on that below.)

So yes, while we should be ready to challenge bad laws, we should not be surprised when the Supreme Court, especially with its current makeup, does not get things right. What are gun owners to do, then, when the Court issues an illegitimate, unconstitutional opinion?

First, we need to realize that an unconstitutional verdict -- even one issued from the Supreme Court -- is not the final word on the matter.

If that comes as a surprise, it's only because most civics teachers are teaching the opposite. For years, schools have been teaching that the Supreme Court is the supreme arbiter of the Constitution.

No wonder that a Hearst Corporation poll found that 59% of Americans think the Supreme Court "is the final authority on the interpretation of the Constitution."<sup>(1)</sup>

Yet this was *not* the common view more than 200 years ago.

Founding Fathers like Thomas Jefferson believed that all three branches of government must independently judge what the Constitution means. No one branch could force the other branches to adopt its view of the Constitution. Jefferson said:

The opinion which gives to the judges the right to decide what laws are con-

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## HIT THE RIGHT TARGET! Give to Gun Owners Foundation

In many federal offices there are subtle (and sometimes not so subtle) pressures to give to the Combined Federal Campaign. Your boss may think his prestige depends upon getting everyone to kick in. The same thing happens in all too many corporations during the United Way fundraising drive.

You may have wanted to give but couldn't find a group that wasn't attacking your rights, let alone defending them, on the list of participating organizations. But that has all changed!

Federal employees now are able to designate **Gun Owners Foundation (GOF)** as the recipient of their gifts to the Combined Federal Campaign. Use **Agency Number 1054** for **Gun Owners Foundation** when you make your Combined Federal Campaign pledge or donation. Your gifts will go toward helping our legal assistance program protect the Second Amendment rights of Americans across the nation.

Also, if you work for a company that participates in the United Way, you too, may be able to designate that your gift be to **Gun Owners Foundation**. Many local United Way Campaigns allow **Gun Owners Foundation** to participate through their Donor Choice Programs. Some, however, do not. Check with your local United Way Agency. You will not only be helping people and protecting your rights, but you will also get a tax deduction.

Of course, anyone can always make a tax-deductible donation at any time to **Gun Owners Foundation** by sending the contribution directly to 8001 Forbes Place, Suite 102, Springfield, VA 22151.

One additional note. If you are employed by a corporation or organization which has a Matching Gift Program, please keep **GOF** in mind when making your donation. Thank you very much.



## Give Gun Owners Their Due

by John Velleco

FBI agent John T. Hanson found himself in hot water with the Las Vegas police on May 15.

Or should we say, cold water.

According to a police report, agent Hanson fired two rounds from his .45-caliber Glock into a walk-in freezer.

Hanson, who pled guilty to a misdemeanor and was made to participate in Alcoholics Anonymous, was never arrested. Authorities merely issued a citation, and Hanson turned his firearm

over to a fellow FBI agent.

The rabidly anti-gun *Washington Post* managed to find some humor in the story.

"It was not clear what the freezer had done to offend or if service that evening had been slower than usual," the *Post's* Al Kamen wrote. "Maybe the freezer was trying to get away."

Perhaps the story would be funny, were it not so pathetic.

What would the *Post's* reaction have been if it were a common citizen with a

concealed carry permit, instead of a law enforcement officer, who pulled such a stunt?

No doubt the *Post* (which supports a complete handgun ban for civilians) and the entire anti-gun crowd would fail to see the humor in such an occurrence, and newspaper editorialists would hail the event as a mandate for further restrictions on firearms.

Interestingly, though, one seldom reads of permit holders shooting

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## GOA in the News

# GOA Media Appearances in Summer 2003



GOA Executive Director Larry Pratt appeared on several TV, radio and newspaper outlets this summer.

### TV and Radio

9/22/03	KJSL, Missouri	8/21/03	Second Amendment Show
9/18/03	KFTK, Missouri	8/21/03	American Family Radio
9/17/03	Johnny Rowland Show	8/21/03	WJR, ABC Radio
9/16/03	KFRU, Missouri	8/18/03	American Family Radio
9/15/03	Ken Hamblin Show	8/18/03	WFLA, Florida
9/15/03	KFAX, California	8/18/03	KSIM, Missouri
9/15/03	WIBQ, Florida	8/18/03	Radio Liberty
9/11/03	Heart of the Matter with Ralph Ovadal	8/15/03	WMUZ, Michigan
9/11/03	KSIM, Missouri	8/14/03	Radio America Network
9/09/03	Schiffer Report	8/13/03	KGEZ, Michigan
9/09/03	KTKK, Utah	8/13/03	Radio America Network
9/08/03	Ken Hamblin Show	8/12/03	WNWS, Arizona
9/05/03	KGAB, Wyoming	8/12/03	Genesis Network
9/05/03	WAAM, Michigan	8/12/03	Behind the Headlines
9/05/03	American Family Radio	8/12/03	KCKO, Nebraska
9/03/03	Alex Jones Show	8/12/03	Salam Network
9/03/03	WFTW, Florida	8/11/03	Radio America
9/03/03	WFTW, Florida	8/11/03	WFRL, Illinois
9/02/03	WHCB, Tennessee	8/11/03	WHKO, Ohio
8/28/03	KGAB, Wyoming	8/07/03	WHKO, Ohio
8/26/03	Behind the Headlines with Jane Silk	8/07/03	KSCJ, Iowa
8/26/03	KTFK, Missouri	8/07/03	Genesis Network
8/26/03	Issues Today with Bob Gourley	8/06/03	WNWS, Tennessee
8/26/03	WTOP, DC	8/05/03	WGH, Virginia
8/25/03	KNZZ, Colorado	8/04/03	KFAX, California
8/25/03	WERC, Alabama	8/04/03	WELJ, Alabama
8/23/03	ABC-TV News	8/04/03	Derry Brownfield Show
8/22/03	WIBQ, Florida	8/04/03	KXYL, Texas
8/22/03	WRJZ, Tennessee	8/04/03	WAAM, Michigan
8/21/03	News Beat	8/04/03	Salam Network
		8/04/03	KXYL, Texas
		8/01/03	WAAM, Michigan
		7/29/03	WCBS, New York
		7/29/03	WPWT, Tennessee
		7/29/03	KGAB, Wyoming
		7/29/03	Spanish TV NET
		7/29/03	WCBS, New York
		7/28/03	RNN-TV
		7/18/03	WFLA, Florida
		7/16/03	Univision TV
		7/09/03	KJSL, Missouri
		7/09/03	Derry Brownfield Show
		7/05/03	WARL, Rhode Island
		7/03/03	RNN-TV
		7/03/03	Information Radio Network
		7/03/03	Second Amendment Show
		7/03/03	RNN-TV
		7/02/03	KYXL, Texas
		7/01/03	CBS-TV
		7/01/03	KLAV, Nevada
		7/30/03	American Family Radio
		6/30/03	KTSA, Texas
		6/24/03	KSCJ, Iowa

### Newspaper

9/15/03	CNS News
9/12/03	News With Views
9/11/03	Agape Press
9/10/03	Agape Press
9/1/03	World Net Daily
8/27/03	The Illinois Leader
8/21/03	CNS News
8/08/03	CNS News
8/06/03	CNS News
7/31/03	News With Views
7/23/03	Time Magazine
7/21/03	CNS News
7/10/03	Record Publishing Newspaper
7/04/03	World Net Daily
7/04/03	Slate Magazine
7/02/03	Information Corner
7/01/03	CNS News
6/27/03	Associated Press
6/25/03	CNS News
6/21/03	Cleveland Plain Dealer

Note: The media outlets above are only a partial listing of the appearances that GOA representatives made this summer.

## Repeal of D.C. Gun Ban Moving in Senate

Continued from page 1

Of course, it doesn't. The city of Arlington, Virginia, right across the Potomac River from D.C., has a murder rate more than twenty times lower than the District's.

The most vocal opponent of treating D.C. residents like adults who have a right to self-defense is Delegate Eleanor Holmes Norton.

Delegate Norton, as she does on an almost daily basis, complained that Congress is violating so-called home rule.

"The District is being targeted on guns ... because we are helpless without

senators and the full panoply of legal rights to protect ourselves," Norton said, as quoted in *The Washington Post*. "The only thing that would cause more murder and mayhem in this city is allowing freer access to guns."

Washington, D.C., is not helpless, however, as Congress is granted governing authority over the city by the Constitution. It is its citizens who are helpless, as they are kept defenseless by extremists like Del. Norton.



Even though the District's near-total ban on guns resulted in the city becoming the nation's Murder Capital, Del. Eleanor Holmes Norton (D) somehow believes that the "only thing that would cause more [crime] is allowing freer access to guns."

Sen. Hatch, who is Chairman of the Senate Judiciary Committee, told reporters "It is time to restore the rights of law-abiding citizens to protect themselves and to defend their families against murderous predators."

S. 1414 currently has garnered 24 senate cosponsors.

A companion bill is expected to begin working its way through the House this fall.

For timely email updates on this and other firearms related issues, go to [gunowners.org](http://gunowners.org) and sign up with GOA's free alert list. ■

## Supreme Court Action on Semi-Autos

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stitutional and what not, not only for themselves in their own sphere of action, but for Legislature & Executive also in their spheres, would make the judiciary a despotic branch.<sup>(2)</sup>

Isn't this what is happening today? When the Court is allowed to become the final authority, then it can easily substitute a "despotic" opinion over and above what the Constitution says. After all, if the Supreme Court judges are the ultimate umpires, then who can question them? Who can overrule them?

### What about when the "judicial umpires" are dreadfully wrong?

The fact that Supreme Court judges wear flowing black robes does not give them additional insight into what the Constitution means. Sure the Court can be right -- sometimes. But the Court can also be wrong.

The supreme justices were dreadfully wrong in their racist *Dred Scott* decision in 1857. And they blew it again in the 1940s, when they upheld President Roosevelt's order to put Japanese-Americans, who had committed no crimes, into prisons that really amounted to concentration camps.

The judges who sit on the Supreme Court are human, just like everyone else. So, when -- not if -- the Court makes a bad decision, should it have the ability to *force* the President and the Congress to obey it?

One would be hard pressed to find a Founding Father who would agree with that. For example, Alexander Hamilton said in *Federalist No. 78*:

The judiciary ... has no influence over either the sword [the executive] or the purse [the legislature]; no direction

either of the strength or of the wealth of the society, and can take no active resolution whatever. It may truly be said to have neither FORCE nor WILL but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments.<sup>(3)</sup>



In the 1850s, the Underground Railroad helped many slaves escape safely to the North. And even though Congress tried to stop this with the Fugitive Slave Act -- and the Supreme Court would later uphold this law -- many juries in the North still refused to convict persons who were harboring escaped slaves.

In other words, the courts cannot force the Congress or the President to

ed by the courts.<sup>(5)</sup>

- In addition to those he pardoned, Jefferson suggested that as President, he would not prosecute people who violated unconstitutional laws such as the Alien and Sedition Acts.<sup>(6)</sup>
- And President Abraham Lincoln recognized that he was not bound by the Supreme Court's *Dred Scott* decision which said that blacks were not entitled to the same rights that are guaranteed to other American citizens.<sup>(7)</sup>

The Founding Founders -- and their ideological descendants -- did not want any branch of the federal government to become supreme over the others. To give one branch this kind of power would set up a "kingship" of the kind that had been discarded in 1776.

Nevertheless, just visit most any law school in America today, and you will learn that in *Marbury v. Madison* (1803), the Supreme Court supposedly established itself as the supreme guardian -- or the final arbiter -- of the Constitu-

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***"I do not forget the position assumed by some that constitutional questions are to be decided by the Supreme Court. . . [but] if the policy of the Government [is set] by decisions of the Supreme Court. . . the people will have ceased to be their own rulers."***

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-- Abraham Lincoln, First Inaugural Address

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do anything. Hamilton's point is quite emphatic, for he says the courts are totally reliant upon the executive branch to carry out its opinions.

This is exactly what has happened in practice. On one occasion, President Andrew Jackson refused to carry out a Supreme Court opinion, simply saying "[Chief Justice] John Marshall has made his decision, now let him enforce it."<sup>(4)</sup>

And there are plenty of other cases where Presidents have disregarded court opinions that they thought were unconstitutional:

- President Jefferson pardoned those who had been convicted for violating the Alien and Sedition Acts, and he justified his decision with constitutional arguments that had been reject-

tion. Despite the fact that Chief Justice Marshall never said this, many who hold positions of power or who work in Washington, DC, hold to this view.<sup>(8)</sup>

That is, they hold this view until the Supreme Court says something they don't agree with.

### The double standard: "The Court's word is final as long as it agrees with me"

Nowhere is this seen, perhaps, more clearly than in the literature of the anti-gun movement. Proponents of gun control frequently claim that the courts have "settled" the debate over the Second Amendment.

They choose selected court opinions and then conclude there is no individual

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This article is excerpted from a more detailed Fact Sheet which can be found on the GOA website at [www.gunowners.org/fs0403.htm](http://www.gunowners.org/fs0403.htm)

## Supreme Court Action on Semi-Autos

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right to keep and bear arms. "The courts have decreed it," they say, "they get the last word on interpreting the Constitution." But when the Supreme Court rules against their position, then they turn to one of the other branches of government to overrule the Court.

This is what happened in 1995. In *U.S. v. Lopez*, the Supreme Court struck down a congressional law banning the possession of firearms, in most cases, within 1,000 feet of a school.

The Court stated that Congress has no authority to ban firearms around a school, since its powers are strictly limited by Article I, Section 8 of the Constitution. Neither that section, nor any other provision in the Constitution for that matter, gives authority to propose restrictions upon firearms.

Even Laurence Tribe, a constitutional scholar who favors gun control, admitted that "If there ever was an act that exceeded Congress' commerce power, this was it."<sup>(9)</sup>

So shouldn't this have settled the issue for gun control advocates? The highest Court had just spoken; it was unconstitutional for Congress to mandate a gun ban around schools. No need to revisit this issue. Right?

Wrong. Anti-gun Senators decided to reenact the gun ban one year later and offered new language which added two words to the original, unconstitutional gun ban.

"I personally disagreed with the Supreme Court decision," said Sen. Frank Lautenberg, one of the chief sponsors of the new language. "I urge my colleagues to support this important amendment and to help protect our children and our teachers from gun violence."<sup>(10)</sup>

Supporters forced the new ban into a money bill that was thousands of pages long. And then, ignoring the Court, President Bill Clinton signed the reenactment of the ban into law.

So what does one make of all this? Gun ban supporters considered the Supreme Court the final word on the subject until its opinion ran contrary to theirs. As soon as the Supreme Court issued a "bad opinion," they worked through the legislature to reinstate the ban.<sup>(11)</sup>



**Anti-gun Senator Frank Lautenberg (left) disregarded a Supreme Court decision when he sponsored a Gun Free School Zones provision in 1996. Once enacted, this ban effectively overruled the Court, which had struck down a similar gun ban the year before.**

A double standard? You bet. But what is interesting to note is the realization -- even by those who claim the Supreme Court is always the final word -- that there are three co-equal branches of government which must work independently of each other. This is the clear message found in the U.S. Constitution.

### Constitution sets all three branches on an equal footing

Nowhere does the Constitution establish the courts as the supreme interpreters of our highest law. Article VI requires that officials in each branch of government must swear an oath of allegiance to uphold the Constitution.

This is very significant. The Constitution is the supreme law of the land. All three branches of government must submit to this higher law, and no department can dominate the others. To elevate the judiciary above the other branches would make the courts, rather than the Constitution, the supreme authority in the land.

Moreover, Article VI says:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land.

This means that congressional laws made pursuant to the Constitution have equal status with the document and are on an equal par with it. Notice this section never lists Supreme Court opinions as being the supreme law of the land.

The *Constitution* and *constitutional laws* are supreme; court opinions are not. That is a huge distinction in determining what is the "rule of law."

### "We the People" are the final interpreters of the Constitution

The good news, according to the Hearst poll mentioned above, is that there are still 41 percent of the American people that believe judges do not have god-like powers. That means there's a healthy minority who would agree with syndicated columnist, Thomas Sowell:

The time is long overdue to stop regarding judges as little tin gods who can do no wrong. An independent judiciary does not mean a judiciary independent of the law. If it does, then we can forget about being a free and democratic nation. We are just the serfs of whoever happens to be on the bench.<sup>(12)</sup>

So who settles disputes when the three branches of government are at odds with each other? If that job doesn't ultimately fall to the courts, then to whom?

The truth is, there is an ultimate umpire under the Constitution. But he is not found in Washington, D.C.

According to the Constitution, the supreme human authority in this country is "We the People of the United States." And *We the People* does its refereeing through the voting process.

After all, if the Court is wrong, Congress can make its constitutional objections known through new legislation. Or, a President, like Andrew Jackson, can simply refuse to implement a Court's decision.

But what about when the Court is right? While the Court cannot force the other two branches to adopt its view of the Constitution, *We the People* certainly can. Those officials that do not follow the Constitution can be voted out of office at election time.

This was what happened in the "revolution of 1800," as Jefferson called it, when angry voters went to the polls and defeated President John Adams and a slew of legislators from the Federalist Party for supporting the unconstitutional Alien and Sedition Acts (among other things).

This was also the lesson in 1994, when the issues of taxes, guns and

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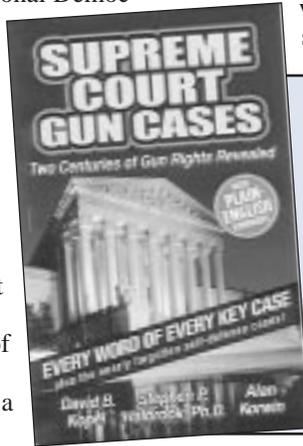
health care were on the minds of millions of Americans. They went to the polls and booted Congressional Democrats out of office and elected Republicans in their stead. Overnight, the control of Congress shifted. Republicans were put in charge.

*We the People* had spoken loud and clear.

All of this to say, petitioning the Supremes is not a bad thing. But remember, we might spend a lot of time and money to win a dramatic court victory that a future Hillary Clinton

administration might ignore. Or we might find that a future Congress passes new legislation that undoes all of our hard work.

Ultimately, *We the People* are the final check and balance, and we must be willing to kick out those officials who refuse to follow their constitutional oaths of office. ■



This new book covers the Court's 92 gun-related cases and gives plain-English summaries that cut through the lawyerly "legaleeze." *Supreme Court Gun Cases* is available from Gun Owners Foundation at [www.gunowners.com/bookst.htm](http://www.gunowners.com/bookst.htm) on the web or by phone at 703-321-8585.

- (1) The Hearst Corporation, "The American Public's Knowledge of the U.S. Constitution: A national survey of public awareness and personal opinion," *A Hearst Report* (1986), p. 23.
- (2) Thomas Jefferson to Abigail Adams, September 11, 1804. See *The Thomas Jefferson Papers* at the Library of Congress, located at <http://memory.loc.gov/ammem/mjthtml/mjtjhome.html>.
- (3) THE FEDERALIST No. 78 (A. Hamilton).
- (4) The White House Historical Association, "The Rise of Jacksonian Democracy," on the Internet at [http://www.whitehousehistory.org/02\\_learning/subs\\_docs/frame\\_a\\_doc\\_1820.html](http://www.whitehousehistory.org/02_learning/subs_docs/frame_a_doc_1820.html). President Andrew Jackson made his comment after the verdict in *Worcester v. Georgia*, 31 U.S. (6 Pet.) 515 (1832).
- (5) David P. Currie (Edward H. Levi Distinguished Professor, University of Chicago Law School), "Congress, the Courts, and the Constitution," Statement to the House Judiciary Committee, U.S. House of Representatives (January 29, 1998).
- (6) Thomas Jefferson to Abigail Adams, September 11, 1804, *The Thomas Jefferson Papers*.
- (7) Abraham Lincoln, First Inaugural Address.
- (8) William Van Alstyne, a law professor from Duke University, notes that Chief Justice John Marshall favored "judicial review" and not "judicial supremacy." Judicial review occurs when the courts issue their opinions on the constitutionality of legislation. Judicial supremacy occurs when the Court issues a ruling and then all the other branches are forced to adopt the Court's view. [William W. Van Alstyne, "A Critical Guide to Marbury v. Madison," *Duke Law Journal* (January 1969): 1:36-37.]
- (9) Joan Biskupic, "Ban on Guns Near Schools is Rejected," *The Washington Post* (April 27, 1995).
- (10) Senator Frank Lautenberg (D-NJ), *Congressional Record* (September 12, 1996), p. S10385.
- (11) Gun ban supporters would try to argue that the reenactment of the ban in 1996 was in keeping with the Court's opinion in *Lopez*. But others—such as Glenn Harlan Reynolds, who is Associate Professor of Law at the University of Tennessee—dismiss this view "as wishful thinking." Glenn Harlan Reynolds, "U.S. v. Lopez: Kids, Guns, and Limited Government," *The Gun Owners* (June 12, 1995).
- (12) Thomas Sowell, "No stinkin' badges," *Jewish World Review* (December 12, 2000).

## Concealed Carry Holders Saving Lives

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defenseless frozen lobsters, as did the senior FBI training agent.

Nor do we read about minor traffic accidents turning into bloody shootouts, something anti-gun zealots predicted with the rise of concealed carry permits.

There's a good reason we do not read such stories -- because the predicted horrors do not occur. In fact, declining crime rates correlate with the passage of concealed carry laws in more than 30 states.

Recently, a concealed carry permit holder thwarted an armed robbery in Utah. According to the *Salt Lake Tribune*:

A 27-year-old Orem man who entered a Provo Greyhound bus station [Sept. 11, 2003] and demanded money got quite a surprise. After handing the clerk a note demanding money, the clerk -- a concealed weapons permit holder -- took the robbery suspect into custody at gunpoint, Provo police say.

Studies by the U.S. Justice Department and several criminologists show that such incidents are not uncommon, as the defensive use of firearms by civilians far exceeds one million times per year.

Incarcerated felons reveal in government surveys that they will avoid potential victims who they believe to be armed. Concealed carry laws enhance public safety by raising the

possibility that the criminal's next victim could be his last.

Obviously, most law enforcement officers abhor the actions of Agent Hanson. In fairness to the many good cops, their character should not be impugned by the actions of a few losers.

The same standard should be applied to gun owners who carry concealed. There are tens of thousands more law-abiding citizens who carry concealed than there are police officers, yet they seldom make the news.

Still, for the majority of editorial pages, the institutional bias against guns prohibits its writers from acknowledging that the overwhelming majority of permit holders are also responsible, law-abiding, and conscientious citizens. ■

## Lessons From The Third World

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the field with promising results. Mayors have been able to return to their towns, bombs have been deactivated, kidnappings have been frustrated. All this has been made possible by citizens with guns.

Colombia, with all its challenges, has been able to train almost 100 times



Colombian President Alvaro Uribe has begun to arm the people in the war against guerrilla terrorists.

more men in arms than the Transportation Safety Agency has been able to train armed pilots. The difference? Colombia has made a commitment to fight back with the people (admittedly, with reservation). The TSA remains unalterably opposed to empowering the people to fight back.

Does the TSA need to have an airliner, piloted by a disarmed crew, to be shot down by an F-16 to keep the next group of terrorists from smashing the plane into a soft target? ■



## Lessons From The Third World: TSA Take Notes

by *Larry Pratt*

It's been a year since a new law went into effect requiring the Bush administration to train and deputize pilots as the last defense against potential hijackers.

But to date, there have been only about 200 pilots trained.

The Bush administration -- and especially the Transportation Security Administration (TSA) -- has dragged its feet and has resisted this plan from its very inception, leaving most airline travelers vulnerable to future terrorists in the sky.

The sad fact is that one of our neighbors down south has much to teach us in dealing with terrorists. That country is the nation of Colombia.

In August of 2002, Alvaro Uribe was elected president of war-torn Colombia. The country has one of the world's highest murder rates and also suffers under some of the strictest gun control laws.

For years the Armed Revolutionary Forces of Colombia (the Spanish acronym is FARC) have murdered and kidnapped Colombians to protect their drug trade and raise additional funds. Of course, the disarmed populace has been an easy target for the Marxist thugs.

Uribe, a former governor and senator, campaigned for president on a platform that included arming people in the rural areas where the Colombian police and army had either limited presence or none at all. To the dismay of the left, Uribe not only won the election, he has made good on his pledge to arm the people.

Nearly 17% of the municipalities of Colombia have no military or police presence, and about half of the territory of the nation is vulnerable to occupation at any time by the FARC and a smaller left-wing guerrilla outfit (ELN) or the paramilitary self-defense groups that sprang up to resist the guerrillas.

Uribe's solution was to empower the people and end the perceived need for the paramilitary groups. Specifically, he has proposed that 100,000 citizen soldiers be trained as other soldiers are, but that they be stationed in their own communities -- the communities that are now unprotected.

The citizen soldiers guard their hometowns under the leadership of a smaller number of regular army non-commissioned officers. The citizen soldiers sleep at home.

Pity is, after considering allowing the soldiers to return home with their weapons, the decision was made that they could not keep their Galil assault rifles off duty.

A recent guerrilla attack against the citizen-soldier post of Carmen de Apicala illustrates

the foolishness of forcing the citizen soldiers to leave their weapons behind when off duty. It also shows the advantage of training people to fight for their very homes.

At 9:30 in the evening on a recent Sunday, an estimated 50 guerrillas attacked the guard post that was manned by six soldiers (including an army Sergeant). They killed three during the firefight, including the friend of Carlos Gonzalez' son. Gonzalez, himself one of the citizen soldiers, was in his house, a few yards from the post.

Seeing the body of his son's dead friend, Gonzalez threw himself into the night and made it to the post through a hail of bullets, then grabbed the dead soldier's rifle and joined the fight.

Not long afterwards, troops from a nearby base arrived on the scene and tilted the battle in favor of the defenders. This is a page out of the defense of Guatemala in the early 1980's against communist guerrillas in that country.

There, too, the government armed the people and used the military to back them up. It worked. And the guerrillas are mostly just a bad memory.

But unlike Guatemala, Colombia has made the mistaken decision not to have the citizen soldiers keep their weapons 24/7.

Colombian and international critics of this empowerment of the population have declared that the policy violates international agreements that ask governments not to directly involve civilians in combat situations. The opponents of self-defense in the U.S. sing a similar song, urging citizens not to be directly involved in resisting criminal assaults.

The same critics have expressed alarm that the guerrillas have threatened to target families of the soldiers if their sons participate in Uribe's citizen army. Of course, this is the logic of non-resistance to any criminal attack.

So far, Colombia has put over 15,000 citizen soldiers into

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### THE Gun Owners

**Sen. H.L. Richardson (Ret.)**  
Founder and Chairman

**Larry Pratt**  
Executive Director

**Erich Pratt**  
Director of Communications

**John Velleco**  
Director of Federal Affairs

**GUN OWNERS OF AMERICA**  
8001 Forbes Place  
Suite 102  
Springfield, Virginia 22151  
703-321-8585

**Web Site**  
<http://www.gunowners.org>

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